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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ERIN KUHN-BROWN,

Plaintiff,

v.

DWIGHT NEVEN, et al.,

Defendants.

Case No. 2:19-cv-01140-RFB-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND OTHER
DEADLINES**

(SECOND REQUEST)

Plaintiff, ERIN KUHN-BROWN, by and through her attorney of record, Lawrence J. Semenza, Esq., of the law firm of Lawrence J. Semenza, Ltd., and Defendants, by and through their Attorney of Record, Aaron D. Ford, Nevada Attorney General, and Janet E. Traut, Deputy Attorney General, hereby file their second joint application to extend the discovery cut off period and other deadlines in this case, pursuant to LR II 26-4. The present cut off date was September 5, 2023.

I. INITIAL DISCLOSURES

This case is an Inmate case and Initial Disclosures were not specifically ordered, the parties Stipulate and Agree that they will exchange initial disclosures within thirty (30) days of today's date.

1 The Initial Disclosures will specifically include, but is not limited to, the medical records
2 of Plaintiff from the date of the incident in 2018, through January 9, 2022, in Defendants'
3 possession, and any medical records of Plaintiff in Plaintiff's counsel's possession.

4 **II. DISCOVERY COMPLETED**

5 1. Plaintiff has received most, but not all, of the medical records from numerous medical
6 providers, but has not received all the records, and with the Initial Disclosures to be
7 provided will have what is believed to be Plaintiff's complete medical records.

8 **III. DISCOVERY TO BE COMPLETED**

9 1. Once Plaintiff has received the Initial Disclosures, Plaintiff will be prepared to schedule
10 depositions of Defendants and of incarcerated witnesses.

11 2. After the Initial Disclosures, Plaintiff will serve written discovery if necessary.

12 **IV. REASONS WHY THE DISCOVERY REMAINING WAS NOT**
13 **COMPLETED WITHIN THE TIME LIMIT SER BY THE JOINT**
14 **DISCOVERY AND SCHEDULING ORDER**

15 Counsel has been working diligently to adhere to the current discovery deadlines;
16 however, the difficulty in communicating with the client who is incarcerated, makes
17 communication difficult. Obtaining medical records has been more difficult. Counsel's trial
18 calendar and deadlines in other cases has led to a delay in completing the discovery.

19 The deadline for designating Experts was extended to July 7, 2023, and because Plaintiff
20 still has not had received and reviewed medical records it is unknown if Expert medical
21 testimony will be necessary. Additionally, it is still uncertain if safety engineers will be required
22 to assess the working conditions and safety issues regarding the unsafe working conditions that
23 the Plaintiff was subjected to.

24 The parties intended for the discovery to be completed within the existing discovery
25 period, but counsel for the parties agree the current expert deadline is insufficient in time to
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retain and disclose their experts. Accordingly, the parties have agreed to continue the discovery and expert disclosure deadlines an additional one hundred twenty (150) days.

V. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY

	Existing Deadlines	Proposed Deadlines
Close of Discovery	September 5, 2023	February 2, 2024
Amend Pleadings/Add Parties	June 7, 2023	December 4, 2023
Initial Expert Disclosures	July 7, 2023	December 4, 2023
Rebuttal Expert Disclosures	August 7, 2023	January 3, 2024
Dispositive Motions	July 7, 2023	March 4, 2024

DATED this 5th day of October 2023.

LAWRENCE J. SEMENZA, LTD.

/s/ Lawrence J. Semenza

Lawrence J. Semenza, Esq., Bar No. 789
3753 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169

Attorneys for Plaintiff Erin Kuhn-Brown

DATED this 5th day of October 2023

AARON D. FORD
ATTORNEY GENERAL

/s/ Janet E. Traut

Janet E. Traut, Bar No. 8695
Deputy Attorney General
100 N. Carson Street
Carson City, NV 89701

Attorneys for Defendants

ORDER

IT IS HEREBY ORDERED:

The discovery cut off is extended from September 5, 2023, to February 2, 2024 in which all discovery in this action shall be completed;

///

IT IS FURTHER ORDERED:

The Plaintiff and Defendants shall amend the pleadings and add parties at least ninety (90) days before the discovery cut off. Plaintiff and Defendants shall disclose their experts to each other at least sixty (60) days before the discovery cut off date which is by December 4, 2023, and Plaintiff and Defendant shall disclose rebuttal experts at least thirty (30) days after the initial date for disclosure of experts, which is January 3, 2024;

All pre-trial motions, including but not limited to, discovery motions, motions to dismiss and motions for summary judgment shall be filed and served no later than thirty (30) days after the close of discovery, which is March 4, 2024;

The Joint Pre-Trial Order in the above-captioned action shall be filed with this Court no later than thirty (30) days after the date set for filing dispositive motions, which shall be April 2,

If dispositive motions are filed, the deadline 2024; and for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

The last day for the parties to file their Motion and/or Stipulation to Extend discovery shall be twenty (20) days prior to the discovery cut off, which is January 15, 2024.

IT IS SO ORDERED this 5th day of October 2023.


UNITED STATES MAGISTRATE JUDGE

Submitted by:

LAWRENCE J. SEMENZA, LTD.

/s/ Lawrence J. Semenza

LAWRENCE J. SEMENZA, ESQ.

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